

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DONALD AND ALISON SCHAEFER

COMPLAINANTS

v.

NORTH MARSHALL WATER DISTRICT

DEFENDANT

CASE NO. 95-180

ORDER TO SATISFY OR ANSWER

North Marshall Water District ("North Marshall") is hereby notified that it has been named as defendant in a formal complaint filed on April 24, 1995, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, North Marshall is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 5th day of May, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

BEFORE THE PUBLIC SERVICE COMMISSION

Donald and Alison Schaefer
188 Black River Road
Gilbertsville KY 42044

vs.

North Marshall Water District
55 Frankfort Road
Benton KY 42025

No. 95-180

RECEIVED

APR 24 1995

PUBLIC SERVICE
COMMISSION

COMPLAINT

The complaint of Donald and Alison Schaefer respectfully shows:

- a. That Donald Schaefer, Manager of Engineering, and Alison Schaefer, Secretary Chief, both of 188 Black River Road, Gilbertsville Ky 42044 and consumers of North Marshall Water District, both being complainants.
- b. That North Marshall Water District (NMWD) located at 55 Frankfort Road, Benton Ky 42025, being the defendant.
- c. That NMWD:
 1. On December 15, 1994 elected to change the residential water meter without notifying the complainants.
 2. Upon the restoration of service, the complainants contend, NMWD turned the water valve on too fast and caused the coupling on the Complainants' side of the meter to begin leaking.
- d. The following events occurred:
 1. The leak went unnoticed until 1/8/95. The Complainants notified NMWD on 1/9/95 in the A.M. that a leak had developed following the meter change. Complainants were notified of the meter change by father who lives across the street.
 2. NMWD inspected the leak and stated it was on the Complainants' side of the meter. NMWD discontinued service, with Complainants' approval, until the leak was fixed.

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3. Mr. Schaefer called NMWD at 12:30 pm on 1/9/95 to ask about the problem. A message was left for the Manager to return the call since she was currently busy. No call was returned.
4. Mrs. Schaefer called NMWD 1/9/95 in A.M. and spoke with clerk about the problem. She was told that we had the leak and that we would have to fix it.
5. The leak was fixed by a plumber at 8:00 A.M. on the 10th of January, 1995. Complainants' plumber inspected the coupling and said it appeared to be installed properly and was tight. He said the leak was probably caused by turning the water valve on too fast after the meter was changed.
6. Mrs. Schaefer called NMWD at 8:00 A.M. on the 10th of January, 1995. She was told that the meter read 22 when it was installed and now read 3,129 which indicated 319,700 gallons. She was also told the meter was changed since it was hard to read.
7. The Complainants attended the next regular Board of Commissioners meeting to plead their case. While attempting to explain the situation the Complainants were loudly interrupted by a NMWD employee who began yelling and claimed that they (the Schaefer's) knew about the leak and did not report it because water had to be standing on the ground, and that the coupling was improperly installed.

The Complainants continued to try to plead their case by explaining that:

- a. The meter is adjacent to rip-rap and a culvert under the road with a downhill direction, and the leak was not apparent.
- b. It had rained a great deal since 12-15-94 and the ditch and culvert had been wet anyway.
- c. Water pressure in the residence did not change due to the extremely high water pressure at the point of delivery.
- d. The leak did not occur until the meter was changed.
- e. The service lateral was less than five years old and installed by a plumber.

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- f. The coupling was presented to the Board showing that the service line was forced from the tight coupling. One of the Board members commented on how tight the coupling was.

NMWD stated:

- a. The coupling was improperly installed.
- b. The Complainants did not report the leak promptly.
- c. The Complainants should have noticed a reduction in pressure.
- d. Water had to be standing in the yard.
- e. The service lateral shrunk due to the excessively cold water (35 degrees F).

The NMWD requested that the Complainants leave the coupling for discussion and visual inspection purposes. The NMWD agreed not to alter the coupling, since it had not been disturbed after being taken out of the ground, as litigation may follow.

NMWD did the following:

- a. Sent the coupling to the manufacturer and had it tested. When it was returned, the schedule 40 pvc pipe, which had been tight in the coupling, had been removed and the clamp and retainer loosed. The evidence had been destroyed. A letter of test results is attached and identified as Exhibit 'A'.
8. The complainants attended numerous meetings from January to April 13, 1995 at the invitation of NMWD to resolve this complaint. At one of the meetings a NMWD employee admitted partial responsibility for the leak and stated that they should maybe adjust or forgive the bill.

At one meeting the NMWD stated that they would survey other area water districts to determine their adjustment policies for leaks, with a view to possibly changing their own policy of "no adjustment of leaks" on the consumer's side of the meter.

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At the meeting on April 13, 1995 the following was discussed:

- a. NMWD stated that they had investigated adjustment policies of other area water districts. They said policies varied and NMWD did not want to change their policy.
- b. The Ford Meter Box test results were discussed. Many contributing factors were present during the time of the leak.
 - 1. Water temperature was 35 degrees F.
 - 2. Movement of the Coppersetter (coupling) during meter change-out.
 - 3. 90 PSI working pressure. (This was corrected by NMWD employee to in excess of 100 PSI).
- c. Complainants were told to pay the bill or take NMWD to small claims court.

Wherefore complainants ask that the Commission rule that NMWD:

- 1. Remove the \$600.00 charge for the water leaked from the service coupling that was damaged during meter change-out.
- 2. Pay the complainants \$72.62 for the repair of the coupling. A copy of the bill is attached and identified as Exhibit 'B'.

Dated at Gilbertsville, Kentucky this 19th day of April, 1995.

RESPECTFULLY SUBMITTED BY

DON AND ALISON SCHAEFER

Donald Schaefer
Alison Schaefer

EXHIBIT 'A'

The **FORD** Meter Box Company, Inc.

January 26, 1995

Ms. Amy Harwood
North Marshall Water District
55 Frankfort Road
Benton KY 42025

Dear Ms. Harwood:

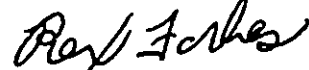
Our Product Assurance Department has evaluated the C87-33 3/4" Male Iron Pipe thread by 3/4" Compression, Pack Joint Coupling for schedule 40 PVC pipe. The return included a length of 3/4" PVC pipe.

A dimensional check of the schedule 40 PVC pipe reveals a proper outside diameter. Visual inspection of the coupling shows the Pack Joint nut is in its original, installed position; the bond of dirt and corrosion between the coupling sleeve and the Pack Joint nut was undisturbed. Dirt is compacted between the ends of the clamping mechanism. The position of the clamp screw and the presence of dirt in this area indicates that the clamp screw has not been tightened. The PVC pipe fits within the clamp's inside diameter without resistance. Disassembly and inspection of the coupling reveals all components conform to our design and manufacturing specifications. Further investigation of these components indicate that the Pack Joint nut was tightened adequately.

Ms. Harwood, thank you very much for allowing us to examine this coupling; however, we were unable to find any defects. Since it appears the clamp screw was not tightened, it is possible the pipe may have eventually slipped out of the coupling. A combination of the claimed conditions may have contributed to the problem. These conditions include: the water temperature dropping to 35°, movement of the Coppersetter during meter change-out and a 90 psi working pressure. The coupling will be returned to your attention as you requested.

Regards,

THE FORD METER BOX COMPANY, INC.



Rex Forbes
Risk Administrator

RF:CMP
CC: ADD, TH, TB, DG

P.O. Box 443 • Wabash, Indiana U.S.A. 46992-0443

Phone: 219-563-3171 • Fax: 800-826-3487 • Overseas Fax: 219-563-0167

EXHIBIT 'B'

31032

CUSTOMER'S ORDER NO.		DEPARTMENT		DATE 1-10-94			
NAME <i>Donald Schofer</i>							
ADDRESS							
CITY, STATE, ZIP							
SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
QUAN.	DESCRIPTION			PRICE	AMOUNT		
1	<i>1 3/4 Brass x 6" nipple</i>				5.06		
2							
3	<i>1 3/4 MPT x 3/4 TPT Adapter</i>				10.50		
4							
5	<i>1 3/4 F.P.T x 3/4 T.F. T Adapter</i>				10.30		
6							
7					26.06		
8							
9	<i>Tot</i>				1.56		
10					27.62		
11							
12							
13	<i>Sales</i>				45.00		
14					72.62		
15							
16							
17	<i>J. Perry</i>						
18							
19							
20							
RECEIVED BY							

KEEP THIS SLIP FOR REFERENCE